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Fulton jail no longer under court oversight

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By Rhonda Cook
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Fulton’s troubled jail history

2004: U.S. District Judge Marvin Shoob begins overseeing a lawsuit prompted by a handwritten complaint about jail conditions from inmate Frederick Harper.

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2006: A consent order in the Harper case sets population limits and staffing levels at the Fulton County Jail.

2007 to 2010: To comply with the order, the county spent \$60 million on upgrades, including heating and air conditioning and replacing elevators, the backup generator system and toilets in cells. With interest on the loan, the total cost will be about \$86 million.

August 2011: Shoob, frustrated after learning that thousands of inmates have been sleeping on floors, threatens to lock up Fulton commissioners if they don't take action to eliminate crowding. Specifically, he wants them to buy Atlanta's 1,314-bed jail.

September 2011: Negotiations fall apart after the city more than doubles its asking price to \$85 million. Fulton enters an agreement to house 200 inmates at the South Fulton Municipal Regional Jail in Union City. The Atlanta jail considered by Fulton has since been demolished and replaced by the new city police headquarters.

December 2011: The County Commission slashes the inmate outsourcing budget by \$2 million after learning the jail's average population plummets.

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April 2012: In a report to the court, Fulton says its jail population is decreasing to levels from more than 15 years ago. After telling The Atlanta Journal-Constitution that he may not push the county to build a new jail and he may lift federal

oversight within the next year, Shoob orders the county to explain its failure to comply with the order's ban on a hiring 'freeze.' County attorneys respond that the jail is not under a hiring freeze and Shoob's monitor only misunderstood the practice of requiring a form to be completed before an opening is filled.

May to December 2012: Fulton commissioners initially reject a proposal to spend \$6.5 million to replace more than 1,300 substandard locks, saying it's too much to ask of taxpayers and that inmates could be controlled with better supervision. But in December they vote 5-2 to spend \$5 million to replace the locks.

January 2013: Commissioners vote to eliminate funding to outsource inmates to other jails, saying the inmate population has fallen below the court-imposed cap of 2,500. Jail officials predict inmates will soon be sleeping on the floor.

August 2013: The Southern Center for Human Rights threatens to take Fulton County back to court over jail overcrowding, saying scores of inmates are again sleeping on the floor. The commission votes to lease the Union City jail to ease overcrowding.

January 2014: Commissioners approved a 2014 budget that included \$2.1 million to send hundreds of inmates to other jails, getting inmates who have been sleeping on the floor into better accommodations. They also added \$3.5 million to their budget to address staffing shortages at the jail and other county departments.

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December 2014: Suit drags on as thanks to a disagreement over what constitutes adequate staffing at the Rice Street facility.

February 2015: County files a motion in U.S. District Court in Atlanta seeking to end a consent order.

April 22, 2015: A federal judge returned to Fulton County complete control over its jail.

Watchdog coverage

For more than a decade, The Atlanta Journal-Constitution has covered the difficulties Fulton County has faced in complying with a federal consent order to improve conditions at the county's jail. Reporters have used public records to calculate the total cost of compliance to taxpayers — nearly \$1 billion.

A federal judge on Thursday returned to Fulton County complete control over its jail, ending an 11-year-old lawsuit that has cost taxpayers about \$1 billion in renovations, repairs and ongoing programs.

Problems at the northwest Atlanta lockup were so daunting that federal oversight lasted about five times longer than it has in similar cases, the judge said, pointing out that such cases are usually closed after two years.

At one time, the jail was so overcrowded inmates slept on floors, so unsanitary that raw sewage flooded cells, so unsafe that inmates could wander about because of faulty locks. Conditions would improve and then deteriorate again.

But U.S. District Court Judge Thomas W. Thrash finally determined on Thursday that the county had addressed the

problems.

"This is a historic day," County Attorney David Ware said.

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This lawsuit — the fourth such complaint brought against the Fulton County Jail since it opened in 1989 — stretched over the administrations of three sheriffs. Only one of the current county commissioners, Emma Darnell, was on the board when the suit was filed.

County Commission Chairman John Eaves, who has spent much of the past several years trying to end federal oversight at the jail, said the county has worked hard to reach this moment. "I've been saying all along, we're there, we're there, we're there," Eaves said.

Thrash noted that federal law allows such lawsuits to be closed after two years; this one took more than a decade.

As recent as January 2013, almost seven years after the suit was filed, Senior U.S. District Judge Marvin Shoob rejected the county's request to close the lawsuit.

It was only last year that locks on every cell door at the jail for 2,500 were replaced. The chief jailer said in court no inmate had been able get past the new locks and get out of his cell. And the county replaced or repaired plumbing, the heating and air system, elevators and wiring.

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But staffing remains a constant problem, according to the court's expert, Calvin Lightfoot.

In court Thursday, lawyers for the sheriff and the Southern Center for Human Rights, the organization that brought the suit, argued that there weren't enough officers to cover the most critical posts. As a result, they said, gangs are running the cell blocks; inmates are committing suicide; and there are no deputies to escort nurses to give out medication or to escort prisoners to medical appointments.

Southern Center attorney Melanie Velez said there were "ongoing unconstitutional conditions," all related to staffing. She presented a sworn statement from the jail's medical director, who detailed how inmates were not getting initial physicals that might detect highly contagious conditions before they are released to the public.

"The sheriff does not have adequate staff to staff the jail," Vaughn Dunnigan, the lawyer for the sheriff, said in agreement.

But Ware told the judge the county had done its part.

Taxpayers had spent “upwards” of \$1 billion on this suit to renovate the building on Rice Street in northwest Atlanta, to rent beds in other jails and to implement accountability courts and other programs that would keep offenders out of the lockup, he said.

The Southern Center for Human Rights filed the complaint after a court expert in the preceding jail lawsuit wrote about horrific conditions, so much so that for the first time in two decades of visiting jails he refused to go into inmate areas. Robert Greifinger wrote in a May 2004 report he saw inmates milling about with no officer in sight. He wrote it was hot, dank and smelled. There were more than 3,000 men and women locked up, about 700 over the jails capacity. Inmates were three to a cell or sleeping on floors in common areas

Sheriff Ted Jackson, and Myron Freeman before him, complained county rules handicapped them and that they didn’t have enough money to staff the jail. But county commissioners and other Fulton officials said the sheriff was not managing the situation well. On several occasions, the county was ordered to “show cause” as to why commissioners should not be locked in the jail they resisted funding.

Thursday’s hearing stretched over four hours. Thrash said the situation now isn’t perfect, but “it’s the best that could be done.” He said the county and the sheriff’s office needs to continue to work together.

“I hope the board of commissioners will continue to fully fund the sheriff, and I hope he (the sheriff) will continue to maintain the jail in a constitutional manner,” Thrash said.

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